

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 5/19/2013	NEED RESPONSE BY: ASAP
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: San Diego	
3. PHONE NO.:	7. SUBJECT: CalFresh Tax Intercept	
4. REGULATION CITE(S):	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACI I-53-89, ACIN I-54-09	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

The claimant was an adult member of the CalFresh household at the time of the overissuance. However, she was not the head of the CalFresh household and did not receive a notice of action addressed to her.

The Notice of Action which was sent to the claimant's mother specifically reads:

- Collection will be from all adults in the household when the overissuance occurred.
- If you do not repay the amount owed, the county may take your state/federal income tax refund and/or ask the court to attach your wages or any property you own.

I understand that the county can "collect" from the claimant who was an adult household member at the time. However, may they use the tax intercept process of collection against the claimant who never received notification and thus never had an opportunity to make periodic payments? ACIN i-54-09 does not address my issue.

10. REQUESTOR'S PROPOSED ANSWER:

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The Manual of Policy and Procedures (MPP) 801.1 states, "All adult household members shall be jointly and individually liable for the value of any overissuance.

MPP 801.431 states, "CWDs shall initiate collection action by providing the household or the sponsor of an alien household an initial notice of action to begin collection action and requesting repayment. (Subsequent demand letters or notices may be sent at the discretion of the CWD.)

MPP 801.431(f) states, "Claim collection will be from all adults who were in the household when the overpayment occurred."

Notice(s) of overissuance are sent to the household, not to each individual member. When a notice is sent the household, all members of the household are considered notified.

FOR CDSS USE

DATE RECEIVED:

May 20, 2013

DATE RESPONDED TO COUNTY/ALJ:

June 7, 2013